

**REMARKS/ARGUMENTS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-19 are pending in the present application. Claims 1, 2, 5, and 9 have been amended. Claims 12-19 are new. Claims 1, 5, 9, and 12 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

**Allowable Subject Matter**

It is gratefully acknowledged that the Examiner considers the subject matter of claims 2-5 as being allowable if rewritten in independent form.

Although not conceding the appropriateness of the Examiner's rejections, claim 5 has been rewritten in independent form. Claim 5 is now in condition for allowance.

**Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority. In view of the fact that Applicant's claim for foreign priority has been perfected, no additional action is required from Applicant at this time.

### **Drawings**

The Examiner objected to Figs. 16-18 because they need a legend such as "Prior Art." Without conceding that the subject matter shown in Figs. 16-18 can be properly construed as prior art against the claimed invention, Applicant has filed a drawing correction concurrently herewith in which the legend "Background Art" has been added to Figs. 16-18. Thus, the Examiner is respectfully requested to withdraw this objection.

### **Acknowledgment of Information Disclosure Statement**

The Examiner has acknowledged the Information Disclosure Statements filed on February 13, 2002 and March 12, 2004. Initialed copies of the corresponding PTO-1449 forms have been received from the Examiner. No further action is necessary at this time.

### **Rejection Under 35 U.S.C. § 103**

Claim 1 stands rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,757,236 to Kanada (hereinafter Kanada) in view of U.S. Patent No. 5,905,255 to Wakabayashi et al. (hereinafter Wakabayashi). This rejection,

insofar as it pertains to the presently pending claims, is respectfully traversed.

As amended, independent claim 1 now recites that the bearing hole has a diameter that gradually increases while approaching the bearing hole's openings from the bearing hole's center. It is respectfully submitted that this feature is neither taught nor suggested by the combination of Kanada and Wakabayashi.

Specifically, Kanada discloses an objective lens driving device in which a support shaft 29 is inserted into a hole whose diameter remains the same throughout. On the other hand, Wakabayashi discloses an objective lens driver in which the lens holder is supported by a set of four elastic wire member 8a-8b, rather than using a support shaft inserted into a bearing hole.

As set forth in MPEP § 2143.03,

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Since the cited references fail to teach or suggest a bearing hole whose diameter increases while approaching the opening from the center, as required by independent claim 1, it is respectfully submitted that claim 1 is not rendered obvious and, thus, is allowable. According, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 6-8 and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada and Wakabayashi, and further in view of U.S. Patent No. 6,574,186 to Nii et al. (hereinafter Nii). It is respectfully submitted that Nii fails to remedy the deficiencies of Kanada and Wakabayashi as set forth above in connection with claim 1.

Specifically, Nii discloses a magnetic disk device in which a shaft 1 is inserted into a bearing hole defined by housing 8. Arranged inside this hole are bearing 3a and 3b, a permanent magnet 4, a slip-off stopper, and a cover 9. Figs. 1 and 4-7 illustrate this configuration.

As disclosed by Nii there is no gradual increase in the diameter of the bearing hole while approaching the hole's opening from the center, as recited in independent claim 1.

Thus, Applicant respectfully submits that claims 6-8 and 9-11 are allowable at least by virtue of their dependency on claim 1. The Examiner is respectfully requested to reconsider and withdraw this rejection.

The Examiner has apparently rejected claims 9-11. However, the ground of this rejection has not been made clear. See Office Action at page 6, section 5. Applicant presumes that the Examiner intended to reject claims 9-11 under 35 U.S.C. § 103(a)

as being unpatentable over the combination of Kanada, Wakabayashi, and Nii.

Similar to independent claim 1, claim 9 has been amended to recite that the bearing hole has a diameter that gradually increases while approaching its openings from the center. For reasons discussed above in connection with claim 1, the above-mentioned feature is neither taught nor suggested by the cited references. Accordingly, Applicant submits that claim 9 is allowable, and claims 10 and 11 are allowable at least by virtue of their dependency on claim 9.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

#### **New Claims**

Claims 12-19 have been added. It is respectfully submitted that these claims add no new matter to the present application. It is respectfully submitted that the subject matter of claims 12-19 was described in the originally filed application *inter alia* in the original claims, Figs. 1-4, and page 10, line 4 - page 13, line 1 of the specification.

Furthermore, it is respectfully submitted that independent claim 12 recites a combination of elements, which is neither

taught nor suggested by the cited patents. Thus, Applicant submits that claims 12-19 are in condition for allowance.

**No Prosecution History Estoppel**

According to the above amendments, claim 5 is hereby presented in independent form. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claim 5, in view of the fact that the same subject matter has been continuously presented in these claims since the original filing date of the present application.

Conclusion


In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

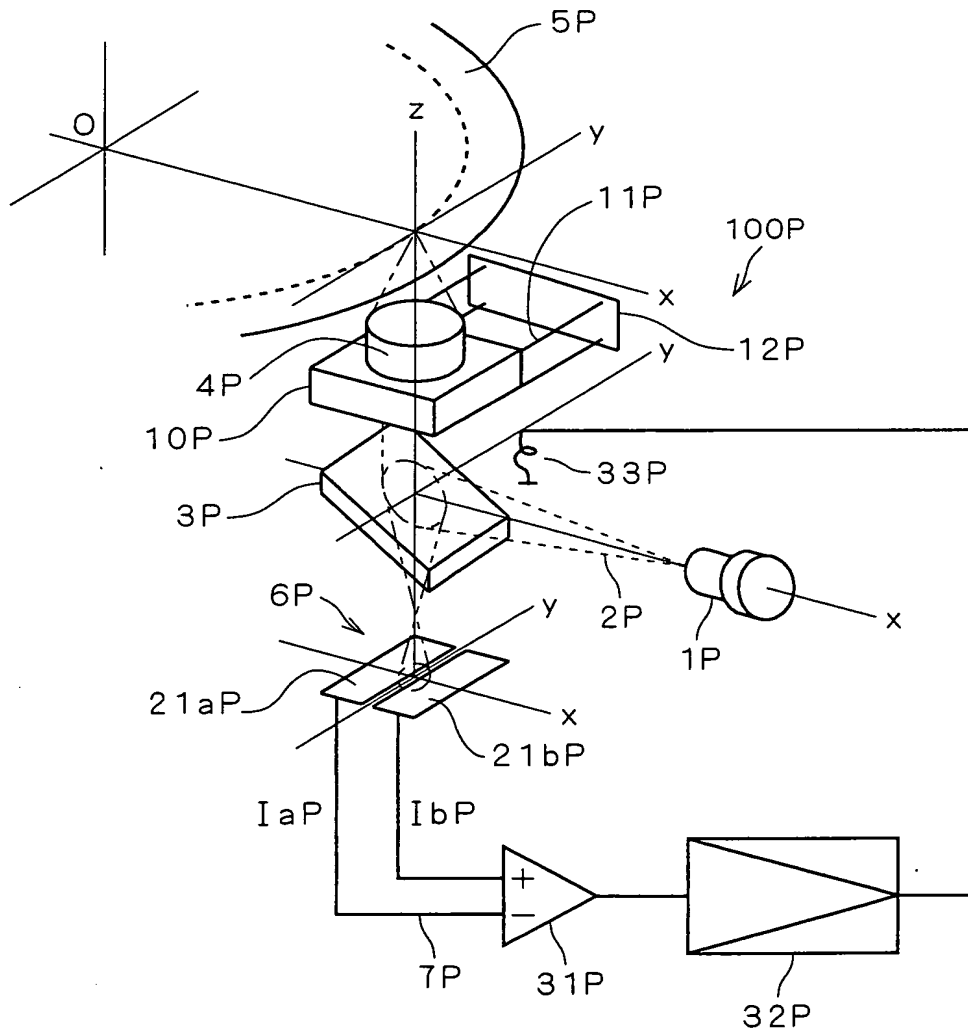
The attached sheets of drawings include changes to Figs. 16-18. These sheets replace the original sheets including Figs. 16-18. In Fig. 16-18, the legend "BACKGROUND ART" has been added.

Attachment: Replacement Sheets  
Annotated Sheet Showing Changes





FIG. 16



BACKGROUND ART

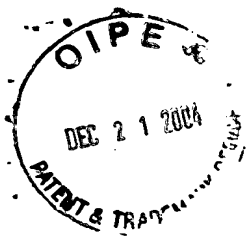
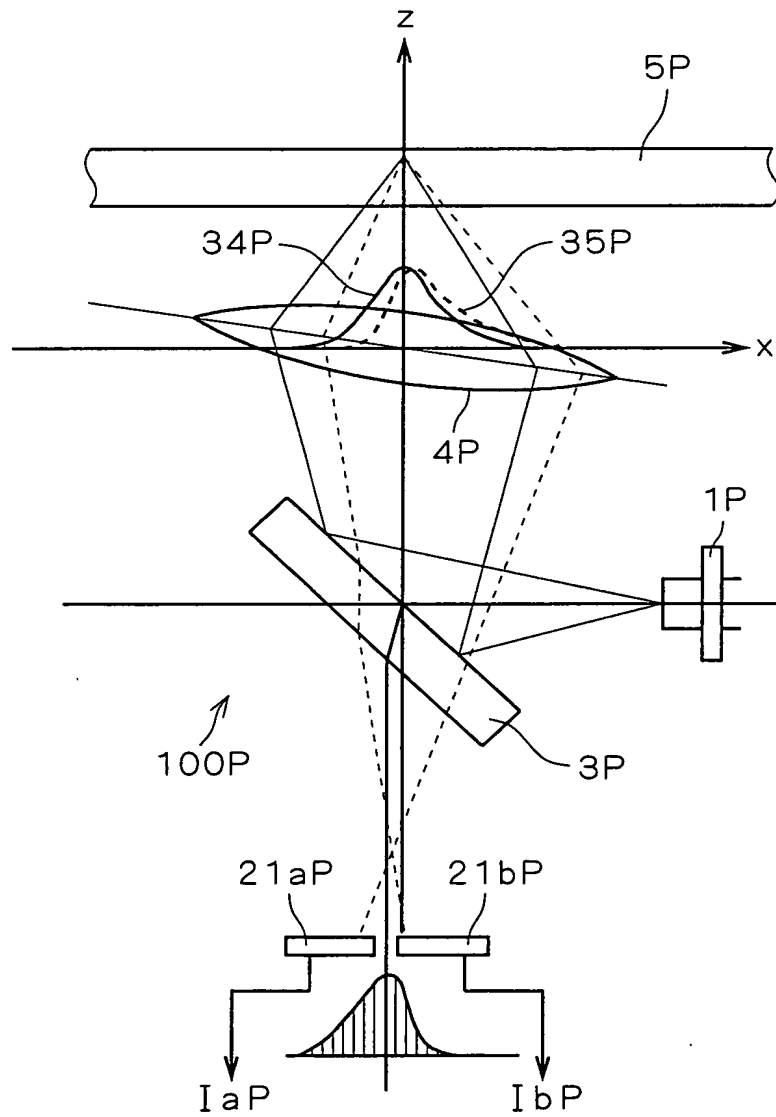


FIG. 17

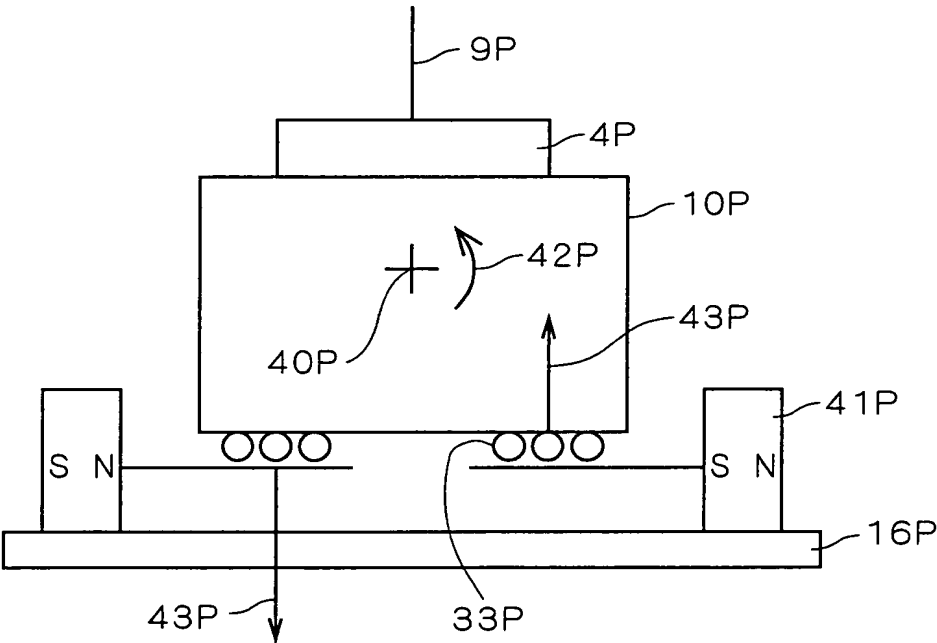


BACKGROUND ART



ANNOTATED SHEET

FIG. 18



BACKGROUND ART